

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

FRANK ROBLES,

Plaintiff,

vs.

No. CV 19-00265 KG/KK

PROBATION AND PAROLE,  
ISABEL LUCERO, and  
CURRY COUNTY DETENTION CENTER,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the “1983 Tort Claim) Complaint (“Complaint”) filed by Plaintiff Frank Robles on March 25, 2019 (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order and failure to prosecute.

The record reflects that certain mailings to Plaintiff Frank Robles were returned as undeliverable. (*see* Doc. 4, 5, 7, 8, 9). The Court’s research indicates that Plaintiff Robles has been released from the Curry County Detention Center. It appears that Plaintiff has been transferred or released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6, thus severing contact with the Court.

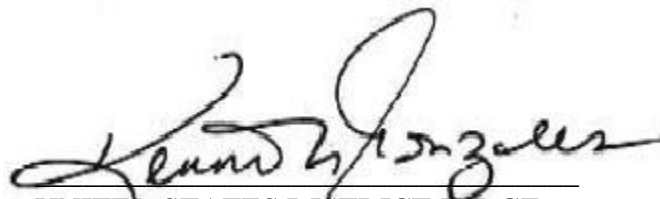
The Court issued an Order to Show Cause on April 19, 2019, directing Plaintiff Robles to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 30 days of entry of the Order. (Doc. 6). More than 30 days has elapsed since entry of the

Order to Show Cause and Plaintiff Robles has not provided the Court with a new address, responded to the Court's Order, or otherwise shown cause why the case should not be dismissed.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10<sup>th</sup> Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Robles has failed to comply with D.N.M. LR-Civ. 83.6 and with the Court's April 19, 2019 Order to Show Cause.

Plaintiff Robles has failed to comply with the Court's order and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10<sup>th</sup> Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order and failure to prosecute this proceeding.

**IT IS ORDERED** that the 1983 Tort Claim Complaint filed by Plaintiff Frank Robles (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Order and failure to prosecute.



UNITED STATES DISTRICT JUDGE